

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: : CHAPTER 7
: :
JOHN W. CADY, JR. & : :
TIA G. CADY, : CASE NO. 19-40492-BEM
: :
Debtors. :

**APPLICATION OF CHAPTER 7 TRUSTEE TO EMPLOY
REAL ESTATE AGENT TO MARKET PROPERTY FOR SALE**

The Application of Tracey L. Montz, Chapter 7 Trustee, respectfully represents:

1.

The Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code on March 4, 2019. Applicant is the duly qualified and acting Chapter 7 Trustee in this case.

2.

Property of the Debtors' estate includes real property located at 103 Hidden Trace Dr., Ringgold, Catoosa County, Georgia (the "Property"). The Trustee believes that she may be able to sell the Property for an amount sufficient to pay a dividend to unsecured creditors.

3.

Applicant, as Chapter 7 Trustee, desires to employ Paula Roberts of Coldwell Banker Kinard Realty, Inc. to market and sell the Property. This Application is filed pursuant to 11 U.S.C. §327 and Rule 2014 of the Federal Rules of Bankruptcy Procedure.

4.

To the best of Applicant's knowledge, Paula Roberts and Coldwell Banker Kinard Realty, Inc. have no connections with the Debtor, any creditors or any other parties in interest in this case. Paula Roberts and Coldwell Banker Kinard Realty, Inc. are "disinterested" as that term is

defined in 11 U.S.C. §101(14). Paula Roberts and Coldwell Banker Kinard Realty, Inc. represent no interest adverse to the Debtor or the estate in connection with this matter, and their employment would be in the best interest of the estate.

5.

No previous application for employment of a real estate agent for the Property has been made to this Court in this case. Applicant submits that it would be in the best interest of the estate to employ Paula Roberts and Coldwell Banker Kinard Realty, Inc. because they are well qualified to sell the Property. Paula Roberts and Coldwell Banker Kinard Realty, Inc. request a six (6%) percent sales commission in the event of a successful sale of the Property.

WHEREFORE, Applicant prays that the Court approve the employment of Paula Roberts and Coldwell Banker Kinard Realty, Inc. on the terms and for the purposes set forth in this Application, and that the Court grant such other and further relief as may be just and proper.

Dated: May 7, 2019

/s/ TRACEY L. MONTZ
Tracey L. Montz
Chapter 7 Trustee

2146 Roswell Rd. #108-406
Marietta, GA 30062
(404) 713-6472
traceymontz@yahoo.com

STATE OF GEORGIA
COUNTY OF WHITFIELD

AFFIDAVIT

I, Paula Roberts, hereby make solemn oath:

1.

I am a licensed real estate agent with the real estate firm of Coldwell Banker Kinard Realty. I maintain my office at 704 S. Thornton Road, Dalton, Georgia, 30720.

2.

I have read the Application to which this Affidavit is attached. I understand that the proposed sales commission of six (6%) percent must be approved by the Bankruptcy Court prior to payment.

3.

To the best of my knowledge and belief, I have no other connections with the above named Debtor, the creditors, any other party in interest herein, or any of their respective attorneys, the United States Trustee, or any persons employed in the Office of the United States Trustee.

4.

To the best of my knowledge and belief, my real estate firm and I are “disinterested” persons within the meaning of the Bankruptcy Code. Neither I nor any member of this firm holds or represents an interest adverse to the estate.

AFFIANT FURTHER SAYETH NAUGHT.

This 7th day of May, 2019.

/s/ PAULA ROBERTS
PAULA ROBERTS

Sworn to and subscribed
before me this 7th day of May, 2019.

/s/ TINA M. SCHLISNER (NOTARY SEAL)
Notary Public
Commission expires:

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that I have this date served the within and foregoing
*APPLICATION OF CHAPTER 7 TRUSTEE TO EMPLOY REAL ESTATE AGENT TO MARKET
PROPERTY FOR SALE* and supporting *AFFIDAVIT* (of Realtor) upon the following by
depositing same in the United States Mail, first class postage prepaid, properly addressed as
follows:

Office of U.S. Trustee
362 Richard B. Russell Federal Bldg.
75 Ted Turner Dr., S.W.
Atlanta, GA 30303-3311

Paula Roberts
Coldwell Banker Kinard Realty
704 S. Thornton Ave.
Dalton, GA 30720

James M. Setters, Esq.
James M. Setters & Associates
215 Evitt Pkwy
Ringgold, GA 30736

Dated: May 7, 2019

/s/ TRACEY L. MONTZ
Tracey L. Montz
Chapter 7 Trustee

2146 Roswell Rd. #108-406
Marietta, GA 30062
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trceymontz@yahoo.com